

ADJOURNMENT

On motion of Senator Brooks the Senate at 11:45 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.

FIFTEENTH DAY

(Thursday, February 5, 1981)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Vale, Williams, Wilson.

Absent-excused: Andujar.

A quorum was announced present.

The Reverend Dr. Carrol Smith, Associate Pastor, Riverbend Baptist Church, Austin, offered the invocation as follows:

Lord God,
Help each of us to:
Think positively
Relate lovingly
Eat properly
Work productively
Exercise playfully, and
Sleep restfully. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Andujar was granted leave of absence for today on account of illness on motion of Senator Meier.

CO-AUTHOR OF SENATE BILL 53

On motion of Senator Harris and by unanimous consent, Senator Ogg will be shown as Co-author of S.B. 53.

CO-AUTHOR OF SENATE BILL 63

On motion of Senator Santiesteban and by unanimous consent, Senator Sarpalius will be shown as Co-author of **S.B. 63**.

CO-AUTHOR OF SENATE BILL 393

On motion of Senator Farabee and by unanimous consent, Senator Harris will be shown as Co-author of **S.B. 393**.

CO-AUTHOR OF SENATE BILL 394

On motion of Senator Farabee and by unanimous consent, Senator Glasgow will be shown as Co-author of **S.B. 394**.

REPORTS OF STANDING COMMITTEES

Senator Blake submitted the following report for the Committee on Administration:

C.S.S.R. 93 (Read first time)

Senator Santiesteban submitted the following report for the Committee on Natural Resources:

H.C.R. 36

S.B. 280

S.B. 250

S.B. 233

S.B. 221

C.S.S.B. 18 (Read first time)

Senator Farabee submitted the following report for the Committee on State Affairs:

S.B. 149

S.B. 298

Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

S.B. 54

C.S.S.B. 15 (Read first time)

C.S.S.B. 74 (Read first time)

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 389 by Jones

Finance

Relating to the disposition of revenue collected or received by the railroad commission.

S.B. 390 by Jones Finance
Relating to the method of determining the amount of corporate franchise tax payable to the state.

S.B. 391 by Jones, Sarpalius Finance
Relating to appropriations to the Texas State Technical Institute to repair damaged building.

S.B. 392 by Blake Finance
Appropriating money to the Texas Forest Service, an agency of The Texas A&M University System for repair of damages to a base station antenna mast, and related facilities caused by a wind storm; and declaring an emergency.

S.B. 393 by Farabee, Jones, Jurisprudence
Meier, Harris, Caperton
Relating to offenses and criminal penalties under the Texas Controlled Substances Act.

S.B. 394 by Farabee, Jones, State Affairs
Meier, Travis, Brown, Glasgow
Relating to prescription requirements under the Texas Controlled Substances Act; providing a penalty.

S.B. 395 by Jones, Brown, Jurisprudence
Glasgow, Meier, Farabee, Travis
Relating to the crime of and penalties for possession or delivery of drug paraphernalia.

S.B. 396 by Meier, Brown, State Affairs
Glasgow, Farabee, Travis, Leedom,
Harris, Jones
Relating to the practice of certain regulated professions by persons convicted of drug-related offenses.

S.B. 397 by Meier, Brown, Jurisprudence
Glasgow, Farabee, Travis, Harris,
Leedom, Jones
Relating to the delivery of a controlled substance to a minor; providing penalties.

S.B. 398 by Traeger Natural Resources
Relating to a research and development program for agriculturally derived fuels.

S.B. 399 by Traeger Finance
Relating to an appropriation for loans to establish plants to make fuel from renewable energy resources.

S.B. 400 by Traeger State Affairs
Relating to the manufacture of alcohol for fuel and other nonbeverage purposes.

S.B. 401 by Traeger Education
Relating to the awarding of costs incurred in the defense of certain claims for pecuniary damages in civil actions against public school districts.

- S.B. 402** by Harris, Vale, Economic Development
Glasgow, Parker
Relating to continuation of the State Board of Registration for Professional Engineers and the regulation of engineers.
- S.B. 403** by McKnight State Affairs
Relating to continuation of the Texas Aeronautics Commission and the regulation of aeronautics.
- S.B. 404** by Traeger Education
Relating to Laredo State University.
- S.B. 405** by Brooks, Andujar Finance
Relating to notices of delinquent ad valorem taxes.
- S.B. 406** by Ogg Jurisprudence
Relating to punishment for property damage, bodily injury, serious bodily injury, or death resulting from the evasion of arrest.
- S.B. 407** by Ogg Jurisprudence
Relating to the eligibility for probation of persons convicted of burglary of a habitation.
- S.B. 408** by Ogg Jurisprudence
Relating to definition of "criminal episode" and to the joinder and severance of offenses; amending Sections 3.01 and 3.04 of the Penal Code; and declaring an emergency.
- S.B. 409** by Ogg Jurisprudence
Relating to the punishment for certain offenses involving certain weapons, including availability of probation and parole.
- S.B. 410** by Ogg, Mengden Jurisprudence
Relating to the punishment for certain offenses involving certain weapons, including availability of probation and parole.
- S.B. 411** by Mauzy State Affairs
Relating to the power of certain counties to enact ordinances; providing a penalty.
- S.B. 412** by Brooks Human Resources
Relating to division of the state into regions for administrative or regulatory purposes.
- S.B. 413** by Williams Natural Resources
Relating to commercial shrimping.
- S.B. 414** by Traeger, Sarpalius Jurisprudence
Relating to reports of abortifacient acts; providing a penalty.
- S.B. 415** by Traeger Economic Development
Relating to workers' compensation self-insurance and unfair or deceptive claims practices.

S.B. 416 by Wilson, Traeger State Affairs
Relating to prevention of duplication of facilities of retail public utilities.

S.J.R. 14 by McKnight, Vale, Harris Education
Proposing a constitutional amendment to amend Article VII, Section 18, of the Texas Constitution relating to the Permanent University Fund.

S.C.R. 30 by McKnight Natural Resources
Directing each state agency and department with regulatory or licensing authority over any synthetic fuel project to take all steps reasonably necessary to expedite such regulation or licensing within the area of its responsibility.

MESSAGE FROM THE HOUSE

House Chamber
February 5, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 21, Directing the department of health to postpone licensing of radioactive waste management sites.

H.C.R. 12, Inviting Congressman Mickey Leland to address Joint Session.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE CONCURRENT RESOLUTION 31

Senator Traeger offered the following resolution:

S.C.R. 31, Commending Miss Elisa Garcia Lopez for her work with the Hispanic people and culture and recognizing her as a native Texan.

The resolution was read.

On motion of Senator Traeger and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE BILL 364 REREFERRED

On motion of Senator Vale and by unanimous consent, **S.B. 364** was withdrawn from the Committee on Finance and rereferred to the Committee on Natural Resources.

SENATE BILL 357 REREFERRED

On motion of Senator Travis and by unanimous consent, **S.B. 357** was withdrawn from the Committee on Finance and rereferred to the Committee on Economic Development.

SENATE BILL 302 REREFERRED

On motion of Senator Mauzy and by unanimous consent, **S.B. 302** was withdrawn from the Committee on Economic Development and rereferred to the Committee on Intergovernmental Relations.

COMMITTEE SUBSTITUTE SENATE RESOLUTION 98 ON SECOND READING

On motion of Senator Jones and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

C.S.S.R. 98, BE IT RESOLVED by the Senate of Texas, 67th Legislature, That the following procedures shall apply for use of an Intent Calendar during the 67th Legislature.

No bill, joint resolution, or resolution affecting state policy may be considered out of its regular calendar order unless written notice of intent to suspend the regular order to bring up the legislation is filed with the Secretary of the Senate before 4:00 p.m. of the last preceding calendar day that the Senate was in session. The Secretary of the Senate shall provide forms for this purpose. The notice must be given from day to day; provided, however, that no member may give notice on more than three bills each day prior to May 1, 1981, nor more than five bills each day on or after May 1, 1981.

The Secretary of the Senate shall prepare a list of all bills on which notice has been given. The list must be made available to each member of the Senate and to the press no later than 6:30 p.m. of the calendar day prior to the day the bill is to be considered.

The Rules of the Senate of Texas, 67th Legislature, are hereby suspended insofar as they are in conflict with the procedures provided in this resolution. No provision in this resolution may be suspended except by unanimous consent of the members present. This resolution may be amended only by a written motion or resolution adopted by the record affirmative vote of two-thirds of the members of the Senate present.

The resolution was read second time and was adopted by the following vote: Yeas 27, Nays 2.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Vale, Williams.

Nays: Ogg, Wilson.

Absent-excused: Andujar.

CONSIDERATION OF NOMINATIONS

The President announced that the time had arrived for the Senate to consider the nominations to agencies, boards and commissions. Notice of submission of these names was given by Senator McKnight yesterday.

Senator McKnight moved confirmation of the nominees as reported from the Subcommittee on Nominations. The report was filed yesterday.

The President asked if there were requests to sever nominees.

There were no requests offered.

The nominees as reported by the Subcommittee on Nominations were confirmed by the following vote: Yeas 29, Nays 0.

Absent-excused: Andujar.

SENATE BILL 94 ON THIRD READING

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

S.B. 94, Relating to approval of numbers and salaries of community center employees.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Andujar.

SENATE BILL 110 ON SECOND READING

On motion of Senator Short and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 110, Relating to student fees for the university center at Texas Tech University.

The bill was read second time and was passed to engrossment.

SENATE BILL 110 ON THIRD READING

Senator Short moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 110** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Andujar.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Andujar.

COMMITTEE SUBSTITUTE SENATE BILL 148 ON SECOND READING

On motion of Senator Doggett and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 148, Relating to access to public and personal information.

The bill was read second time.

Senator Brooks offered the following amendment to the bill:

Amend Section 6 of **C.S.S.B. 148** to read as follows:

SECTION 6. Section 12, Chapter 424, Acts of the 63rd Legislature, Regular Session (Article 6252-17a, Vernon's Texas Civil Statutes), is repealed since offenses relating to tampering with governmental records can be prosecuted under Section 37.10, Penal Code.

The amendment was read and was adopted.

On motion of Senator Doggett and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 148 ON THIRD READING

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 148** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Andujar.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Andujar.

GUEST PRESENTED

Senator Blake was recognized and presented Mr. Bill Perryman, Member of the Department of Public Safety Commission, seated at the President's Rostrum. Mr. Perryman was welcomed as a guest of the Senate today.

MOTION TO PLACE

COMMITTEE SUBSTITUTE SENATE BILL 160 ON SECOND READING

Senator Traeger moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **C.S.S.B. 160** be taken up for consideration at this time:

C.S.S.B. 160, Relating to the assignment of a former district judge to sit in a district court.

Senator Vale raised the Point of Order that further consideration of **C.S.S.B. 160** was out of order because there was not a actuarial note attached to the bill, in violation of Senate Rule 94(g)(2).

The President overruled the Point of Order, stating the Senate had not yet adopted a rule requiring actuarial analysis.

On motion of Senator Traeger and by unanimous consent, the motion to suspend the rules was withdrawn.

SENATE BILL 138 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 138, Relating to compensation of reserve deputy sheriffs and reserve deputy constables.

The bill was read second time and was passed to engrossment.

SENATE BILL 138 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 138** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Andujar.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Andujar.

SENATE BILL 162 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 162, Relating to the prior conviction of a person charged with the subsequent offense of driving while intoxicated and the penalty upon conviction of such offense; amending ch. 507, Acts of the Forty-seventh Legislature, 1941 (art. 67011-2, V.T.C.S.), as amended; and declaring an emergency.

The bill was read second time and was passed to engrossment.

SENATE BILL 162 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 162** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Andujar.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Andujar.

SENATE BILL 211 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 211, Relating to the offense of criminal mischief, amending section 28.03, Penal Code, 1973, as amended; and declaring an emergency.

The bill was read second time and was passed to engrossment.

SENATE BILL 211 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 211** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Andujar.

The bill was read third time and was passed.

SENATE BILL 17 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 17, To amend Article 3.41a, Insurance Code of Texas, to permit loans to students provided that the principal amount of the loan is insured by the Federal Government; and declaring an emergency.

.. The bill was read second time.

Senator Harris offered the following committee amendment to the bill:

Amend Section 1 of Senate Bill 17 by adding the words "or by the Texas Guaranteed Student Loan Corporation (Section 57.01, et seq., Texas Education Code)" at the end of the section.

Section 1. Article 3.41a, Insurance Code of Texas, as amended, is amended to hereafter read and provide as follows:

Article 3.41a. Student Loans. A foreign or domestic life insurance company may make loans to a student enrolled in an institution of higher education (not exceeding \$1,500 in any academic year and not exceeding \$7,500 in aggregate principal amount over a period of years, provided) provided the principal amount of the loans is insured by the Federal Government pursuant to

provisions of the Federal Higher Education Act of 1965, as amended (P.L. 89-329, as amended) or by the Texas Guaranteed Student Loan Corporation (Section 57.01, et seq., Texas Education Code).

The committee amendment was read and was adopted.

On motion of Senator Harris and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 17 ON THIRD READING

Senator Harris moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 17 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Andujar.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Andujar.

SENATE BILL 227 ON SECOND READING

On motion of Senator Doggett and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 227, Relating to the jurisdiction of the county courts at law of Travis County.

The bill was read second time and was passed to engrossment.

SENATE BILL 227 ON THIRD READING

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 227 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Vale, Williams, Wilson.

Nays: Jones.

Absent-excused: Andujar.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 1.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Vale, Williams, Wilson.

Nays: Jones.

Absent-excused: Andujar.

HOUSE CONCURRENT RESOLUTION 15

The President laid before the Senate the following resolution:

H.C.R. 15, Designating a Texas State Artist Committee.

The resolution was read.

Senator Howard offered the following committee amendment to the resolution:

Amend **H.C.R. 15** by striking the words "or his appointee" in paragraph 5.

The committee amendment was read and was adopted.

On motion of Senator Howard the resolution as amended was adopted.

SENATE BILL 225 ON SECOND READING

On motion of Senator Doggett and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 225, Relating to student fees for bus service at Southwest Texas State University.

The bill was read second time.

Senator Doggett offered the following committee amendment to the bill:

Amend Senate Bill 225 on line 21 after the period "." by adding the words "Any increase in the initial fee must be approved by a majority vote of those students participating in a general election called for that purpose."

The committee amendment was read and was adopted.

On motion of Senator Doggett and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.